

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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<b>RAYMOND JAMES &amp; ASSOCIATES, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 2:18-cv-02104-JTF-tmp</b>
	)	
<b>50 NORTH FRONT ST. TN, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	

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**PLAINTIFF’S MOTION TO AMEND SCHEUDLING ORDER  
AND INCORPORATED MEMORANDUM IN SUPPORT**

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Plaintiff Raymond James & Associates, Inc. (“Raymond James”), pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure and Local Rule 16.2(c), respectfully submits this Motion to Amend Scheduling Order and Incorporated Memorandum in Support (the “Motion”).

Raymond James respectfully requests that the Court extend all discovery-related deadlines by 120 days. When the Court entered the Scheduling Order (ECF No. 33) on April 26, 2018, this case was much less complicated than it is now. Since the Scheduling Order was entered in late April, the parties have engaged in voluminous amounts of party discovery and third-party discovery. The parties have each served multiple rounds of written discovery. Raymond James has issued subpoenas to several third parties, and so has Defendant 50 North Front St. TN, LLC (“Landlord”). (*See* ECF Nos. 46, 47, 49, 55, 61, and 66).

Moreover, a number of disputes have arisen regarding discovery. For example, with respect to party discovery, Raymond James filed a Motion to Compel on June 28, 2018. (ECF No. 53). That motion has been fully briefed and remains pending.

And with respect to third-party discovery, numerous motions have been filed. There are currently three Motions to Quash pending before the Court. (*See* ECF Nos. 50, 52, and 73). Landlord also recently filed a Motion for Protective Order. (ECF No. 74). Most (but not all) of the outstanding discovery motions have been referred to the Magistrate Judge. (*See* ECF No. 69). The Magistrate Judge has set a hearing date of August 23, 2018 for the motions that have been referred to him so far. (ECF No. 71) (text-only).

Given all of the above, Raymond James respectfully submits that additional time will be necessary to complete discovery even though the parties have been working diligently throughout discovery. The Scheduling Order contains the following discovery-related deadlines:

- Completing all discovery: October 31, 2018
- Completing written discovery: September 16, 2018
- Completing all depositions: October 31, 2018
- Making expert disclosures (Raymond James): September 1, 2018
- Making expert disclosures (Landlord): October 1, 2018
- Filing *Daubert* motions: November 15, 2018

These discovery-related deadlines, Raymond James respectfully submits, are untenable given the complexity and scope of discovery in this case and the number of pending discovery motions. For those reasons, Raymond James respectfully requests that the Court extend all of the discovery-related deadlines by 120 days.

And because of the posture of this case, Raymond James further respectfully requests that the Court extend the mediation deadline (which is currently August 31, 2018) by the same amount of time (i.e., 120 days) so that the parties will have an adequate amount of time to evaluate the strength and weaknesses of their own case and that of the other side before mediation. Raymond

James also requests that the Court extend the dispositive motion deadline to coincide with the requested extensions of time, should the Court grant this Motion.

Accordingly, for the foregoing reasons, Raymond James respectfully submits that good cause exists and that the Court should grant this Motion. Raymond James will submit a Proposed Order granting the requested relief to the Court's CM/ECF inbox.

Respectfully submitted,

**BURCH, PORTER & JOHNSON, PLLC**

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- and -

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**CERTIFICATE OF CONSULTATION**

The undersigned hereby certifies that, in accordance with Local Rule 7.2(a)(1)(B), I consulted with counsel for Landlord (David Wade) regarding the relief sought in this Motion. Counsel for Landlord has not yet indicated Landlord's position regarding the relief sought in this Motion. These consultations occurred by email on August 8, 2018 and on August 9, 2018.

/s/ Gary Scott Peeples

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was filed using the Court's CM/ECF system on August 10, 2018, which will automatically send an electronic copy of the filing to all counsel of record in this case.

/s/ Gary Scott Peeples